

R E S O L U T I O N

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The Navajo County Board of Supervisors, in meeting assembled this 16th day of March, 1970, hereby respectfully request the Arizona Legislature to repeal Title 18, Chapter 3, Article 2 of Arizona Revised Statutes for the reason that said statute is unnecessary and for the further reason that said statute unduly restricts the county in fulfilling its responsibility to the public to construct adequate bridges where necessary upon county highways for the safety and convenience of the travelling public.

NAVAJO COUNTY BOARD OF SUPERVISORS

BY:

May C. Taylor
Chairman

ATTEST:

Martha Shauitt
Clerk

Min 3-16-70 2:14
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Mailed 3-18-70
to Alaska Dist
48

From The Desk of . . .

Max E. Taylor

Bill Porter
Henry Bangh
Bill Buso
Frank Crosby
Arlo Lee

~~2 Co. Books~~

Resolution Oct 18-311 &
18-312

Repeal.

Request legislature to repeal
these to sections of ARS due
to antiquation and need to
construct bridge across
Little Calo River at Woodruff
School bus can't cross
due to deterioration of structure.
Feel that in outlying counties
can only use public work
Reserve Fund for these structures
and ~~not~~ restriction on
spending taxpayers money
without their knowledge
is covered in this section.

Senate

Wingfield Bldg.
Cops.
Bldg.

Sen

William S. Parrot 644 E. 7th Place, Mesa

William Huse ~~Sen~~ 1005 W. Adams, Apt. 22

Frank L. Crosby ~~Sen~~ 1625 W. Wilshire

Arlo Lee ~~Chm Bd~~ 85934 Apache Co Sr Ins.

Henry Haugh, Pres of the House
Representative

Copies to alone

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May E. Taylor
Chairman

ATTEST:

Martha J. Smith

Clerk

§ 18-302. Failure of duty to construct or repair bridge or crossing; penalty

A person required by law to construct, maintain or repair bridges or crossings over a ditch or irrigating canal, who neglects or refuses to construct, maintain or repair such bridges or crossings, is guilty of a misdemeanor.

Historical Note

Source:

§ 528, P.C. '01; § 571, P.C. '13;
§ 4814, R.C. '28; 43-2802, C. '39.

ARTICLE 2. COUNTY BRIDGES

§ 18-311. Authority of county to construct bridges; petition to construct; election

A. The board of supervisors may construct and maintain bridges across streams, whether wholly or partly within or without the corporate limits of an incorporated city or town, when the cost of the bridge does not exceed ten thousand dollars.

B. When a petition signed by one hundred or more taxpayers and qualified electors of the county is presented requesting the board to construct and maintain a bridge, specifying the point where the bridge is to be constructed and the amount of the estimated cost to the county, the board shall call a special election, giving thirty days notice of the time of the election, for the purpose of submitting the proposition of constructing the bridge and authorizing the raising of funds necessary to pay for it.

C. The special election shall be called and held in the same manner provided for calling and holding general elections, and only those taxpayers whose names are on the last assessment roll of the county and who are qualified electors shall be entitled to vote.

Historical Note

Source:

§§ 1, 3, Ch. 73, L. '09; §§ 5093, 5094,
5095, R.S. '13; § 1704, R.C. '28; 59-606,
C. '39.

Cross References

Calling and holding general elections, see § 16-701 et seq.

Notes of Decisions

In general 1
County liability 3
Election 2

1. In general

Civ.Code 1913, § 5099, providing that county board of supervisors shall cause amount necessary for payment for bridge to be raised by direct levy on taxable property of county, was at most grant of power to raise necessary funds by taxation, as provided by tax-levying statutes. *Arizona Eastern R. Co. v. Graham County* (1918) 19 Ariz. 320, 170 P. 792.

Civ.Code 1913, § 5094, making it duty of county board of supervisors to call election to determine whether bridge shall be constructed, and for authority to raise necessary funds by taxation, as provided by law, meant by direct levy upon taxable property of county in accordance with tax-levying statutes. *Id.*

2. Election

Civ.Code 1913, § 5094, making it duty of board of supervisors to call election to determine whether bridge shall be constructed, and for authority to raise funds by taxation, made it condition precedent to levying of taxes to construct bridge by board that taxpayers of county shall first authorize levy. *Arizona Eastern R. Co. v. Graham County* (1918) 19 Ariz. 320, 170 P. 792.

3. County liability

Neither county nor its board of supervisors and engineer were liable under Civ.Code 1913, § 2418, subd. 4, and §§ 5055, 5093, 5366, 5367, 5368, for the death of one killed when his automobile ran off a highway bridge, negligently maintained without railing; such maintenance being a governmental function. *Larsen v. Yuma County* (1924) 26 Ariz. 367, 225 P. 1115.

§ 18-312. Authorization; cost

If a majority of the taxpayers voting at the election favor the construction, the board shall construct the bridge at the point designated at a cost not exceeding the amount specified in the notice, plus any amount which may be contributed by subscription or otherwise.

Historical Note

Source:

§§ 4, 5, Ch. 73, L. '09; §§ 5097, 5098, R.S. '13; § 1705, R.C. '28; 59-607, C. '39.

§ 18-313. Bridge for joint use by public and railroad;
petition; contract limitations

The board of supervisors upon filing a petition signed by a majority of the taxpayers of the county, may contract for the county with a railroad company for the construction and maintenance of bridges across streams to be used jointly by the railroad company and the public. No contract shall be made by which the county shall pay, or be liable to pay, more than one third of the cost of construction and